

Message

From: Robert Law [rlaw@demaximis.com]
Sent: 3/23/2018 4:48:45 PM
To: Salkie, Diane [Salkie.Diane@epa.gov]; Sivak, Michael [Sivak.Michael@epa.gov]
CC: Willard Potter [otto@demaximis.com]; dawn.Lamparello@klgates.com; William Hyatt [william.hyatt@klgates.com]
Subject: RE: CSTAG Stakeholder Input & Response
Attachments: 20180322 CPG Responses to DEP 2-13-18 Comments to EPA clean.docx

Diane:

The CPG forwarded its responses to EPA based on previous guidance and practice from John, Michael and Jennifer that EPA would interact with NJDEP on the Upper 9-Mile Plan. The CPG prepared its responses because it was clear from the NJDEP's February 13 comments that they had not seen the CPG's revised RAOs and updated proposal provided to EPA on February 9.

The CPG believes that it is important for NJDEP to recognize that the CPG responded to the recommendations of EPA with respect to the RAOs and provided the significantly revised version which included in RAO 1 a performance metric for the IR (e.g., 90% TCDD SWAC) and RAO 3 which is post-remedial performance monitoring objective. The revised February 9 RAOs are based on the EPA's principles of adaptive management and are well-suited for an interim remedy (IR) such as the proposed Upper 9- Mile Plan. The revised RAOs provide an objective metric for measuring the success of the IR and a performance monitoring program to ensure that conditions in the upper 9 miles of the LPRSA are protective of human health and the environment following the post IR recovery period.

Please share the CPG's responses to NJDEP's February 13, 2018 comments to CSTAG. If EPA thinks that the CPG should forward them to NJDEP, please let me know and I can send them to Jay Nickerson.

Thank you.

R/

Rob

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>>> "Salkie, Diane" <Salkie.Diane@epa.gov> 3/23/2018 9:42 AM >>>
Are you sharing this with NJDEP? We are planning to meet with them next week to discuss their CSTAG comments.

From: Robert Law [mailto:rlaw@demaximis.com]
Sent: Thursday, March 22, 2018 11:26 AM
To: Salkie, Diane <Salkie.Diane@epa.gov>; Sivak, Michael <Sivak.Michael@epa.gov>

Cc: Willard Potter <otto@demaximis.com>; dawn.Lamparello@klgates.com; William Hyatt <william.hyatt@klgates.com>

Subject: CSTAG Stakeholder Input & Response

Diane and Michael:

Attached are the CPG's responses to the NJDEP's February 13, 2018 comments provided as part of the CSTAG Stakeholder process.

As a follow-up to earlier requests, has EPA determined whether it can provide the CPG following:

- NOAA/FWS comments to CSTAG, and
- EPA Region 2's "11 Sediment Principles" Memorandum to CSTAG

Also the CPG would like to have a better understanding of the NJDEP's statement in Comment 3: *"EPA has identified a similar concern and possible path forward for development of site-specific remedial goals for an interim remedy"*.

Please contact me with any comments or questions and if EPA requires any additional information from the CPG.

Thank you.

R/
Rob

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